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Paper 44  
Filed: January 19, 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Institut National de la Recherche Agronomique,  
Junior Party  
(Application 10/613,053

Inventors : Jun Imamura, Hideya Fujimoto, Ritsuko Yanagidate,  
Nobuya Koizuka, Takako Sakai and Takahiko Hayakawa),

v.

BASF Plant Science GMBH, McGill University, and  
DNA Landmarks, Inc.,  
Senior Party  
(Patent 7,314,971

Inventors: Fang-Ming Lai, Charles Dendy, Natasa Formanova,  
Gregory G. Brown, Benoit S. Landry, Wing Cheung,  
Hua Jin and Martin LaForest).

Patent Interference No. 105,682 (RES)  
(Technology Center 1600)

Judgment - Request for Adverse

- 1        The involved patent and application have become commonly owned by
- 2        Agronomique. Paper 39. Agronomique has requested entry of adverse judgment against
- 3        Patent 7,314,971. Paper 43.
- 4        Accordingly, it is
- 5        ORDERED that judgment on priority as to the subject matter of Count 1 (Paper
- 6        30, pp. 3-4), is awarded against Patent 7,314,971;
- 7        FURTHER ORDERED that claims 1-18 of Patent 7,314,971 corresponding to
- 8        Count 1 are cancelled (35 U.S.C. § 135(a));
- 9        FURTHER ORDERED that a copy of this judgment be made of record in the
- 10      files of Patent 7,314,971 and Application 10/613,053; and

1 FURTHER ORDERED that if there is any settlement agreement or related  
2 documents which have not been filed, attention is directed to 35 U.S.C. § 135(c) and  
3 37 CFR § 41.205.

|                             |   |                 |
|-----------------------------|---|-----------------|
| <u>/Richard E. Schafer/</u> | ) |                 |
| RICHARD E. SCHAFER          | ) |                 |
| Administrative Patent Judge | ) |                 |
|                             | ) |                 |
| <u>/Jameson Lee/</u>        | ) | BOARD OF PATENT |
| JAMESON LEE                 | ) | APPEALS AND     |
| Administrative Patent Judge | ) | INTERFERENCES   |
|                             | ) |                 |
| <u>/Richard Torczon/</u>    | ) |                 |
| RICHARD TORCZON             | ) |                 |
| Administrative Patent Judge | ) |                 |

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